



August 5, 2013

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Communication, PS Docket No. 11-60

Dear Ms. Dortch:

PCIA – The Wireless Infrastructure Association submits this *ex parte* communication to express additional concerns similar to those raised by CTIA—The Wireless Association¹ and the Competitive Carriers Association (“CCA”)² regarding Consumers Union’s (“CU”) proposal that the Federal Communications Commission (“FCC” or “Commission”) initiate a rulemaking to “establish appropriate metrics for measuring a wireless carrier’s network performance.”³ PCIA believes that a Notice of Inquiry (“NOI”) or Public Notice is a more suitable vehicle to explore whether the metrics proposed by CU will be helpful to both the Commission and consumers.

PCIA’s members are committed to ensuring that their wireless facilities are functional at all times. However, PCIA questions whether CU’s proposed measurement of the percentage of non-functioning cell towers in each county affected by a disaster can accurately depict how well the wireless industry responds to emergencies, especially when disaster recovery requires cooperation among many entities.

Several factors that may prolong the duration of an outage are outside of a carrier’s control. For example, CU’s proposal focuses on carriers’ performance during disaster recovery, but does not take into account that carriers’ best efforts could be slowed by the need to coordinate with multiple parties such as electric utilities, local and state governments, and Tribal Nations. The proposal also does not consider the fact that federal, state, and local regulations can constrain where backup power facilities can be deployed.⁴

¹ See Ex Parte Presentation of CTIA—The Wireless Association, PS Docket No. 11-60 (filed July 17, 2013).

² See Ex Parte Presentation of Competitive Carriers Association, PS Docket No. 11-60 (filed July 19, 2013).

³ Letter from George P. Slover, Senior Policy Counsel, Consumers Union to Chairman Genachowski et al., Chairman, Federal Communications Commission, at 2 (filed July 5, 2013), <http://apps.fcc.gov/ecfs/document/view?id=7520928400>.

⁴ See Ex Parte Presentation of PCIA – The Wireless Infrastructure Association, PS Docket No. 11-60 (filed May 1, 2013).

PCIA agrees with CTIA that using a metric based on the percentage of out-of-service cell sites could result in an inaccurate perception of a carrier's restorative efforts if distributed antenna system ("DAS") nodes and small cells are included in the count of inoperative sites. DAS and small cells often underlay macrocell coverage to increase capacity; should they become inoperative, customers in the affected area would not necessarily lose service. Moreover, CU's proposal appears to focus only on permanent sites and does not take into account that temporary towers, which carriers can pre-position in anticipation of power loss, can restore service to areas affected by inoperative, permanent sites as disaster recovery takes place.

A NOI or Public Notice will give the Commission an opportunity to gain a better understanding of the factors that have an effect on carriers' ability to quickly restore their networks following a disaster, as well as which metrics most accurately reflect carriers' responsiveness to outages. Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter is being filed electronically via ECFS. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/

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CC: David Turetsky, Genaro Fullano, Eric Schmidt